

STAT

20 May 1982

NOTE FOR: See Distribution

FROM:
Chief, Legislation Division, OGC

SUBJECT: Former Spouses Legislation

As you know, the House passed the Fiscal Year 1983 Intelligence Authorization Bill containing its version of former spouses legislation on 18 May. Attached, for your information, is the Congressional Record detailing the floor debate on this measure. Note that much of the discussion about the Bill revolved around the former spouses provisions.

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prompt measures to equip the tick inspectors with the necessary personal portable radios or similar communications equipment. As the river riders pointed out during their testimony, they not only are frequently alone in isolated areas, they have no communication equipment for emergencies.

Committee Chairman KIKI DE LA GARZA and Subcommittee Chairman GEORGE BROWN, JR., and members of the Agriculture Committee have been most diligent in refining this legislation in cooperation with the Department of Agriculture, and in acting promptly in an effort to correct a dangerous oversight. On behalf of these river riders, many of whom patrol the border of my own district in south Texas, I extend my appreciation for the spirit of cooperation displayed by Members of both sides of the aisle.

Mr. DE LA GARZA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WAMPLER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. DE LA GARZA) that the House suspend the rules and pass the bill, H.R. 2035, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to authorize certain employees of the U.S. Department of Agriculture charged with the enforcement of animal quarantine laws to carry firearms for self-protection."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1983

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 482 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 482

Resolved, That upon the adoption of this resolution it shall be in order, section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6068) to authorize appropriations for fiscal year 1983 for intelligence and intelligence-related ac-

tivities of the United States Government, for the Intelligence Community Staff, for the Central Intelligence Agency retirement and disability system, to authorize supplemental appropriations for fiscal year 1982 for the intelligence and intelligence-related activities of the United States Government, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. KAZEN). The gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Arizona (Mr. RHODES), and pending that, I yield myself such time as I may consume.

(Mr. MOAKLEY asked and was given permission to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, the resolution provides for the consideration of H.R. 6068, the Intelligence Authorization Act for fiscal year 1983. It is a 1-hour open rule.

The rule contains one waiver of points of order, under section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344). The waiver is necessary because title IV of the bill authorizes certain supplemental appropriations for the current fiscal year. It is not a technical waiver but I am aware of no objections; the provision concerned is in compliance with an administration request for supplemental funds for unforeseen contingencies in high priority intelligence activities.

I am aware of no controversy over the rule. Indeed, I am aware of no controversy over the bill. It was reported from the permanent Select Committee on Intelligence by a unanimous voice vote. It was sequentially referred to the Committee on Armed Services which recommended no amendments and reported the bill by a unanimous recorded vote. No other committee which qualified requested sequential referral.

The bill authorizes appropriations for fiscal year 1983 for the intelligence agencies and for certain intelligence activities of other agencies. It also contains certain supplemental authorizations for fiscal year 1982.

Under the rules of the House, the amounts authorized are set forth in an appendix to the report which is not published but is available for inspection by Members. Notice of availability was made to the House on May 11 (page H1964). The agencies and activities authorized under the bill are the

Central Intelligence Agency; the Intelligence Community Staff; the Department of Defense, including the individual services and the Defense Intelligence Agency; the National Security Agency; the Department of State; the Department of Treasury; the Department of Energy; the Federal Bureau of Investigation; and the Drug Enforcement Administration.

The bill also contains general administrative provisions and published authorizations for certain counter-terrorism activities and for intelligence retirement programs.

In addition, the bill contains provisions to make changes in the retirement program for intelligence personnel and their spouses similar to those enacted in 1980 for foreign service personnel (Public Law 96-465).

The bill contains a prohibition on unauthorized use of the name, seal, or initials of the Defense Intelligence Agency. The provision is identical to those enacted by the 95th Congress in regards to the Central Intelligence Agency and the National Security Agency.

Mr. Speaker, I wish to commend the distinguished chairman of the committee, the gentleman from Massachusetts (Mr. BOLAND), and the ranking minority member, the gentleman from Virginia (Mr. ROBINSON) for the professional and totally nonpartisan manner in which the vital work of this committee has been handled since the inception of the committee in 1977. The gentleman from Massachusetts proposed the establishment of the committee to restore congressional control and accountability in regards to intelligence activities and to restore public confidence in these vital functions. Under his able leadership and that of our colleague from Virginia that goal has been largely met.

Mr. Speaker, I urge the adoption of the rule to permit prompt consideration and passage of this legislation.

□ 1245

Mr. RHODES. Mr. Speaker, I yield myself such time as I may consume.

(Mr. RHODES asked and was given permission to revise and extend his remarks.)

Mr. RHODES. Mr. Speaker, the gentleman from Massachusetts (Mr. MOAKLEY) has explained the bill thoroughly and also the resolution. There is no opposition to the resolution on my side of the aisle, and, as far as I know, there is no opposition to the bill.

I merely wish to echo the words of the gentleman from Massachusetts in his praise of the Intelligence Committee. I had the honor of serving as an ex officio member during the time that I was minority leader, and at that time I became very much impressed with the workings and particularly the leadership shown by my good friend, the gentleman from Massachusetts (Mr. BOLAND), and also by the Republi-

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can Members, including especially the gentleman from Virginia (Mr. ROBINSON).

This is an extremely important committee. Prior to the formation of this committee and its counterpart in the other body, there was very little, if anything, in the way of supervision of the various intelligence-related activities of this Government. There was a lot of fear when these committees were set up that there would be too much in the way of supervision, and that indeed it would not be possible to have the secrets, if you will—and that is a good word for them—of this Government and particularly of our defense establishment entrusted to this many Members of the Congress without serious leakage.

I think it is a matter of pride and it should be a matter of pride to all the Members of this body and the other body that these two committees have functioned so well and done such a good job of aiding the intelligence community to do its job, and yet, as far as I know, there has never been a serious leak either from the members of those two committees or from the staffs of the two committees.

I for one salute the chairman and the other members of the committee for the great record which they have compiled not only in policing the intelligence communities but in doing all the things which they have done to make their work more effective than it otherwise would have been.

Mr. Speaker, I have no requests for time, and I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. BOLAND. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6068) to authorize appropriations for fiscal year 1983 for intelligence and intelligence-related activities of the U.S. Government, for the intelligence community staff, for the Central Intelligence Agency retirement and disability system, to authorize supplemental appropriations for fiscal year 1982 for the intelligence and intelligence-related activities of the U.S. Government, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. BOLAND).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 6068, with Mr. BIAGGI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Massachusetts (Mr. BOLAND) will be recognized for 30 minutes, and the gentleman from Virginia (Mr. ROBINSON) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, H.R. 6068, the Intelligence Authorization Act for fiscal year 1983, is the fifth such bill in as many years reported out by the Permanent Select Committee on Intelligence. Like its predecessors, it was approved unanimously in committee, as it was by the Committee on Armed Services.

Mr. Chairman, this information was echoed by my colleague, the gentleman from Massachusetts, (Mr. MOAKLEY), who handled the rule on the majority side, and our colleague, the gentleman from Arizona (Mr. RHODES), who handled the rule on the minority side. I want to express to them, Mr. Chairman, my appreciation for their remarks concerning all the members of this particular committee and the non-partisan manner in which it has operated.

As in past years, this bill authorizes all the funds for the next fiscal year, as well as supplemental funds in the current fiscal year, for the intelligence and intelligence-related activities of the U.S. Government.

The category of "intelligence activities" includes all the activities of the Central Intelligence Agency; the Defense Intelligence Agency; the National Security Agency; other intelligence components of the Department of Defense, and the Departments of the Army, Navy, and Air Force; the Bureau of Intelligence and Research of the Department of State; the intelligence divisions of the Federal Bureau of Investigation, intelligence elements of the Departments of the Treasury, and Energy, and the Drug Enforcement Administration; and the Intelligence Community Staff of the Director of Central Intelligence. These activities provide intelligence for the use of the President, the Cabinet, the National Security Council, and the Joint Chiefs of Staff.

Further, this bill authorizes intelligence-related activities of the Department of Defense, which are programs that are integral to the defense force structure, but which are similar to national intelligence programs and are often tasked for national intelligence purposes, particularly in peacetime.

The similarity of programs and functions between the national intelligence programs and the intelligence-related activities of the Defense Department is the reason that both are considered by the Permanent Select Committee on Intelligence and authorized in this bill. We have worked to assure that the program areas are complementary

and mutually supportive but not duplicative. The referral of this bill to the Committee on Armed Services has assured that the judgments we have made from an intelligence viewpoint are equally sound from a military perspective. We have worked closely with that committee on a continuous basis and achieved a position agreeable to both committees even before referral.

Mr. Chairman, most intelligence activities are classified and necessarily so. In some cases, even the very existence of the program or activity is held secret. This sensitivity limits the description we can offer here on the floor. The schedule of authorizations to accompany the bill and the classified annex to the report have been available to Members. A number of Members have reviewed these materials. The subject material is complex but we have continued to revise these classified reports to improve their clarity.

The committee continues to recommend that the budget for intelligence not be disclosed. The disclosure of a single budget number might not itself be harmful, but some explanation of the content and meaning of the number would be essential. But such an explanation would be excessively revealing. Moreover, the committee recognizes that intelligence is inherently secret, and any disclosure is the beginning of an erosive process. In discussing this point, people often refer to the degree of disclosure of our military budgets and systems. It is not a good analogy: The existence of military systems must be known in order to have deterrent value. If deterrence fails, military systems are effective in battle because of their numbers, the manner in which they are employed, and the skill of the personnel using them. Conversely, in the case of intelligence, the mere awareness of an intelligence activity can easily reduce or eliminate its effectiveness, may endanger lives, and may lead to the collection of false information contrived by our adversaries to confuse or mislead us.

Mr. Chairman, I would like to summarize briefly the organization of H.R. 6068.

Title I provides for the bulk of our intelligence, and intelligence-related activities. As I said earlier, funds and program details are in the classified schedule of authorizations and the annex to the report. One exception is the authorization for the counterterrorism program of the FBI, which is unclassified. The bill provides \$12.1 million for this function.

Title II provides necessary authorities for the intelligence community staff, whose function is to assist the Director of Central Intelligence with his responsibilities for overall coordination of intelligence and preparation of the budget. The staff is made up of representatives of all elements of the intelligence community. Administra-

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tively, it is treated as if part of the CIA.

Title III provides authorization of \$91.3 million for the Central Intelligence Agency retirement and disability system. This is a program established by Congress in 1964 to provide for those CIA personnel who perform hazardous duties or are in special situations, usually abroad, which may limit the length of their careers. When title III is read for amendment, I will offer a technical amendment that would conform CIARDS, as it is called, so as to afford certain CIARDS retirees the opportunity to exercise options which can be made by their counterparts under the Civil Service retirement and disability system. Although current law now permits the President, by executive order, to conform CIARDS to prospective changes made to the civil service system, the differences in question existed prior to this change in the law. Hence the need for the amendments.

Title IV authorizes additional intelligence and intelligence-related expenditures in fiscal year 1982. The details of this supplemental authorization are found in the classified annex to the committee's report.

Title V consists of a provision prohibiting the unauthorized use of the Defense Intelligence Agency's name, initials, or seal in a manner reasonably calculated to convey the impression that such use was authorized and authorizing the Attorney General to seek to enjoin such unauthorized use. This section is identical to those enacted last year protecting against the unauthorized use of the CIA and NSA names, initials, or seals.

Title VI contains a provision providing to spouses and former spouses of certain CIA employees entitlements and rights in relation to retirement and survivors annuities comparable to those provided to spouses of Foreign Service officers by the Foreign Service Act of 1980. This provision recognizes the enormous equity that CIA spouses have in their employee spouses' careers—both in terms of the assistance they provide to intelligence operations and their sacrifice of their own professional advancement. The committee was thoroughly persuaded that these spouses deserve the same benefits as do Foreign Service officer's spouses. Nonetheless, the bill's provisions are more stringent than those of the Foreign Service Act since they require that spouses, to qualify, must serve overseas with their employee spouses.

Mr. Chairman, one reason for the bipartisan support which H.R. 6068 enjoys is that all of the recommendations of the Subcommittee on Program and Budget Authorization adopted by the committee have been so painstakingly documented and reasoned in their approach. I attribute the great success of this effort—and the important and oft-needed guidance it has provided the intelligence community—to the judgment and character of the

ranking minority member, **KEN ROBINSON** of Virginia. He has been the rock upon which the work of the subcommittee has been built and he deserves the thanks not only of the Congress, but of the Nation, for his great contribution in this area.

I should also add, Mr. Chairman, that the staff who assist the committee in its consideration of the intelligence and intelligence-related budgets, is first class. I believe they are the finest, the most professional, of all who work on the intelligence budget in either the executive or legislative branches. I would like to pay tribute and thanks to Duane Andrews, Jim Bush, Marty Faga, Annette Smiley, and Patricia Garber.

Mr. Chairman, as in the last fiscal year, this bill authorizes less than the administration requested but still permits real growth over last year. Some specific proposals have been recommended for deferral, others for termination while a few have been increased.

Mr. Chairman, let me close by stating that, as in year's past, the committee has made, and continues to make, the classified annex to its report available to all Members of the House during business hours in the committee's rooms. I would urge Members who have not yet had an opportunity to do so to read this report carefully.

Mr. Chairman, I reserve the balance of my time.

Mr. ROBINSON. Mr. Chairman, I yield myself such time as I may consume.

(Mr. ROBINSON asked and was given permission to revise and extend his remarks.)

Mr. ROBINSON. Mr. Chairman, I join my colleagues in urging support of H.R. 6068, to authorize appropriations for the intelligence and intelligence-related activities of our country.

The purpose of the U.S. foreign intelligence effort is to provide civilian and military leaders the intelligence they need to make informed decisions. This intelligence not only serves as a fundamental tool in our defense arsenal but also provides information essential for the maintenance of peace and prosperity.

Whether the questions involve the rebuilding of our defenses, negotiating arms reductions, dealing with increasing terrorist and Communist activities around the world, or coping with the political and economic realities of today's uncertain world, demands for high quality and timely intelligence continue to proliferate.

H.R. 6068 is the fifth intelligence budget authorization bill presented to the Congress. It is the product of a continuing intensive examination of our Government's intelligence needs and a detailed review of the fiscal year 1983 intelligence resources requested by the President to meet these needs.

Concurrent with this review of intelligence resources was a program-by-program review of all intelligence ac-

tivities. As a member of the Select Committee's Subcommittee on Program and Budget Authorization, I participated in these detailed reviews and I am convinced that the committee has been given full and complete access to the operations and activities of the intelligence community—ranging from relatively open intelligence collection efforts to the most sensitive clandestine collection and covert action programs.

In addition to the activities of the Central Intelligence Agency and other national intelligence organizations, this bill authorizes appropriations for tactical intelligence and related activities of the Department of Defense. These programs are integral to the defense force structure but are similar to national intelligence programs and are often tasked for national intelligence purposes. The similarity of functions between the national and tactical intelligence programs is the reason that both are considered by the Select Committee on Intelligence and authorized in this bill. We have worked to assure that the program areas are complementary and mutually supportive but not unnecessarily duplicative. Further, the referral of this bill to the Committee on Armed Services, which shares tactical intelligence program oversight jurisdiction with our committee, has assured that the judgments we have made from an intelligence viewpoint are equally sound from a military perspective. We have worked closely with the Committee on Armed Services and achieved a position agreeable to both committees even before referral.

For fiscal year 1983, the President requested a substantial increase in overall intelligence funding over 1982 levels. I fully support our committee's recommendation not to disclose publicly the amounts of these requested funds; therefore, I will not discuss specific committee recommendations. Details of these recommendations are contained in the classified annex to our committee report which, along with the classified schedule of authorizations referred to in H.R. 6068, has been available for review by Members of the House since May 12.

While the committee generally supported the funding levels requested by the President, we were not persuaded that all of the specific programs were fully warranted and the committee's recommendations would delete or defer certain programs and in other cases would increase program funding. I am pleased to add that the funding authorization recommended by the committee, while a net reduction from the request, will allow real growth in the intelligence programs.

In addition to authorization of appropriations and personnel ceilings for intelligence activities, our bill contains, under title V and title VI, new statutory authorities which have al-

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ready been described. I fully support these provisions.

In closing, Mr. Chairman, I simply want to say that this bill would authorize appropriations for what I believe to be a well balanced program to provide intelligence capabilities essential to our Nation. I urge its passage as recommended by the committee.

□ 1300

The CHAIRMAN. The gentleman from Virginia (Mr. ROBINSON) has consumed 5 minutes.

Mr. ROBINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. McCLODY).

(Mr. McCLODY asked and was given permission to revise and extend his remarks.)

Mr. McCLODY. Mr. Chairman, I would like to commend the gentleman from Massachusetts (Mr. BOLAND), chairman of our committee, and likewise my distinguished colleague, the gentleman from Virginia (Mr. ROBINSON), and concur in the remarks that have already been made with regard to the diligence and the effective work and expertise of the committee and the committee staff.

I also want to concur in the remarks, particularly of my colleague, the gentleman from Virginia, who indicated the careful review which the committee members made with respect to various items in the budget and the fact that these items were individually reviewed and the results were that the decisionmaking was the decisionmaking of the committee. I think it is a tribute to the committee that they make this conscientious effort with regard to providing for an improved and expanded and effective intelligence capability.

Mr. Chairman, I want to join my other colleagues on the permanent Select Committee on Intelligence in urging support for the bill which is now before the House, the Intelligence Authorization Act for fiscal year 1983. The Intelligence Committee has brought to the floor a bill which received unanimous support both from our committee and from the Committee on Armed Services. As in the past, this is due in large part to the workmanlike efforts of our Subcommittee on Program and Budget Authorization, chaired by the distinguished gentleman from Massachusetts (Mr. BOLAND) and served in the position of ranking minority member by the distinguished gentleman from Virginia (Mr. ROBINSON). With exceptional staff support, this subcommittee was able to fashion a bill which—while lean—provides for real growth in the budgets of our intelligence agencies. Of course, this is in keeping with the President's overall program to enhance our military capabilities. Indeed, it has long been my view that, in many ways, an active and fully supported intelligence apparatus can provide greater security than our multi-

billion dollar, complex weapons systems.

Mr. Chairman, as always, the committee has wisely avoided the publication of an overall budget authorization figure for intelligence activities in the next fiscal year. However, one matter on which the committee has chosen to act in H.R. 6068, and which can be publicly discussed, concerns the interests of individuals, who were formerly married to CIA intelligence officers serving overseas, to the pension and survivors benefits which accrued during their marriage.

The committee carefully reviewed the benefits accruing to former spouses of Foreign Service officers and compared the duties of these spouses and the spouses of CIA intelligence officers. It also held hearings during which testimony was presented by former CIA Director William Colby as well as current and former spouses of intelligence officers in support of such legislation. As a product of these efforts, the committee decided to extend to former spouses of intelligence officers the same benefits as enjoyed by former Foreign Service officers' spouses.

I do not here want to take the time to explain the intricacies of this bill—for they are adequately explained in the committee's report accompanying H.R. 6068. Let me just say that the committee, in recommending this change in the law, is providing recognition of the valuable services which spouses of intelligence officers provide to the CIA, and therefore, necessarily to the security of our country.

Mr. Chairman, I urge support for H.R. 6068.

Mr. ROBINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG).

(Mr. YOUNG of Florida asked and was given permission to revise and extend his remarks.)

[Mr. YOUNG of Florida addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. BOLAND. Mr. Chairman, I yield such time as she might desire to the gentlewoman from Colorado (Mrs. SCHROEDER).

(Mrs. SCHROEDER asked and was given permission to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Chairman, I would like to commend Chairman BOLAND and the members of the Permanent Select Committee on Intelligence for their efforts to improve the retirement systems for CIA employees and their families.

The plight of the CIA spouse has been a compelling one. Following a divorce, under current law, the CIA spouse loses eligibility for any survivors benefits after the death of the CIA employee or retiree. This legislation attempts to remedy an inequity in current Federal retirement policy—its failure to assure retirement protection

to spouses and divorced spouses of Federal civilian employees. Whereas social security was amended in 1965 to provide automatic benefits for spouses and former spouses, Federal retirement law has not been changed to recognize the contribution of the non-working former spouse.

I strongly support title VI of H.R. 6068, the Intelligence Authorization Act for fiscal year 1983. This legislation is modeled after the Foreign Service Act, which amended the Foreign Service retirement system in 1980. Public Law 96-465 was enacted after extensive joint hearings before the Civil Service Subcommittee, which I chair, and the Subcommittee on International Operations, chaired by Representative DANTE FASCELL.

This legislation represents a balanced approach. It protects the rights of the nonworking spouse, but at the same time has built in safeguards for the CIA employee. The legislation provides a presumption of a right to a proportionate share of the pension and a right to a survivor's benefit, which rights could be eliminated by a State court of competent jurisdiction in a divorce proceeding. Thus, where a State court found such "fault" as would make it unjust or inequitable to provide such rights to the dependent spouse or where the dependent spouse has substantial independent means or for other appropriate reasons, the rights to entitlement could be terminated at the discretion of the State court. The parties could also, by agreement, voluntarily eliminate the right of the dependent spouse to a share of the retirement or survivor's benefits.

The mechanism created by this legislation is a fair solution to the problem of retirement benefits for divorced spouses. It provides a measure of protection to prevent dependent spouses from being impoverished in their retirement years following a divorce. At the same time, the State Department reports that it has had little difficulty in implementing the Foreign Service Act, following its enactment in 1980. H.R. 6068 should be enacted by the House.

Mr. BOLAND. Mr. Chairman, I want to thank the gentlewoman from Colorado (Mrs. SCHROEDER). All of us, of course, in this House recognize the great work that she has done for women in Government and also for the spouses of those employees in the Government. She played a significant part in advice and counsel to us in the amendment that will be offered to take care of the very problems she talked about.

I also add my congratulations to our distinguished colleague from Illinois (Mr. McCLODY), who perhaps played the leading part within this particular committee in getting the committee to look at this problem and also to structure the amendment in such a way that it takes care of the very area the gentlewoman from Colorado, (Mrs.

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SCHROEDER) and so many people were interested in.

That also applies to the gentleman from Virginia (Mr. WHITEHURST) who spent some hours in advising the committee on the problems that the spouses of CIA employees have, bringing that to the attention of the committee, and it was through the cooperation of Members like the gentleman from Virginia (Mr. WHITEHURST), the gentleman from Illinois (Mr. McCLORY), and the gentlewoman from Colorado (Mrs. SCHROEDER) and through their conversations and dealings with the CIA and with the civil service retirement system, and also their contacts with the Civil Service Legislative Subcommittee of the House Committee on Post Office and Civil Service that we were able to get general agreement on this particular amendment.

I want to compliment them publicly for doing so.

I now yield 4 minutes to the gentleman from New York (Mr. WEISS).

Mr. WEISS. Mr. Chairman, I very much appreciate your yielding this time to me.

Mr. Chairman, I objected and opposed the creation of the Select Committee on Intelligence when it was adopted some 5 years ago because of the procedures which it would have had to operate under.

I have objected since then to the reports that they have come out with on the authorization measures.

I believe that the American people have a constitutional right to know how much they are spending for intelligence activities. Yet today, as in the past 5 years, we are being asked to vote on an intelligence budget that has been classified virtually in its entirety. The American people watch helplessly as we consider authorizing unstated funds for unstated personnel to perform unstated activities.

This outrageous affront to the democratic principles of our country should not and must not be tolerated. While national security considerations may justify withholding some specific details, there is simply no excuse for keeping secret the total level of intelligence spending.

The Select Committee on Intelligence, in recommending nondisclosure of the aggregate figures, admitted that such disclosure, in their words, "would probably not harm intelligence activities or capabilities."

The committee claimed, however, that a single intelligence budget total "would be meaningless."

I strongly disagree.

If the budget total remains secret, the American people will have absolutely no idea about how much money is being allocated to intelligence operations.

Is it \$100 million, \$500 million, \$6 billion? Are we spending more for intelligence than we are spending on student aid, more than we are spending on aid to the poor and the elderly,

more than we are spending on international development aid?

Aggregate figures would not reveal CIA activities abroad or disclose the scope of the CIA domestic intelligence operations. They would, however, give Americans a general idea about the portion of the economic pie being taken by intelligence operations.

Citizens could thus contribute more meaningfully to the process of setting national priorities. Indeed, how can you have intelligence decisionmaking in a democracy if the people do not know the basic facts?

□ 1315

As Benjamin Franklin once said, "He who would trade a little liberty for a little security will soon have neither liberty nor security."

In our zeal to protect the national security, we must not tread upon fundamental democratic principles. As recent history proves only too well, a government shrouded in secrecy becomes not only unaccountable but eventually irresponsible.

I urge my colleagues to vote no on this bill.

Mr. ROBINSON. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. DERWINSKI).

(Mr. DERWINSKI asked and was given permission to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Chairman, as ranking Republican on the Civil Service Committee, I rise in support of those provisions of H.R. 6068 which provide a share of a Central Intelligence Agency employee's retirement annuity to a qualified former spouse. Such a spouse would have to be unmarried before the age of 60, and married to the employee for 10 years of creditable service, 5 of which were spent abroad. The amount of the former spouse's annuity would be 50 percent of the employee's if the marriage lasted throughout the entire period of service to the Agency, and proportionately less of the 50 percent share if the duration of the marriage was less than the service credited.

Title VI also awards 55 percent survivor annuities to former spouses who were married to CIA employees during all their creditable service, have survived CIA annuitants, and have not remarried before age 60. Survivor annuities would be proportionately less than 55 percent if the marriage did not cover all the creditable service.

These provisions recognize, as we did in the Foreign Service Act of 1980, that a spouse's years of support work for Federal employees in foreign lands is not erased by a divorce proceeding. Yet I, like most Members, would be extremely reluctant to begin legislating a national divorce law which automatically splits American annuities everywhere. I would have reservations over these annuity provisions if they were not fully amendable by spousal agreements, court orders, multiple marriages, and the like. Only the State

courts can examine marriages on a case-by-case basis and we cannot reasonably second-guess them.

We would compound the neglect of the past if we simply declared all former spouses everywhere worthy—or unworthy—of an annuity. Because most of them are deserving, however, we are legislating a certain presumption in their favor, not telling the State courts how to handle each of their cases. Because the committees who reported this legislation have always favored this approach, the Civil Service Committee did not feel obliged to ask for sequential or joint referral of this bill.

I support H.R. 6068's former spouse annuity provisions. In addition, Mr. Chairman, I would like to take this opportunity to express my general support for this legislation which authorizes appropriations for the intelligence-related activities of the U.S. Government.

There is no question that our intelligence functions are a vital part of our defense and foreign policy and deserve the support of the Congress. I am confident that the members of the committees exercising oversight in the intelligence field have carefully analyzed the budget proposals of the administration and have come up with a reasonable bill.

Therefore, I urge the House to adopt it.

● Mr. PRICE. Mr. Chairman, this is the fifth year that the permanent Select Committee on Intelligence and the Armed Services Committee worked together to report the authorization bill for intelligence and intelligence-related activities of the intelligence community.

As the Members will recall, the Armed Services Committee shares responsibility for authorizing certain elements in the intelligence authorization bill with regard principally to intelligence-related activities for the Department of Defense, and I am most pleased to report on the continued excellent working relationship with, and cooperation of, the select committee members and staff in arriving at complete agreement on all items of joint responsibility.

As part 2 of the report states, the results of our recommendations are classified and are included in the classified annex to the report on H.R. 6068 prepared by the select committee.

For the information of the Members, the overall funds jointly authorized fall in budget category 050 and are in the Armed Services Committee authorization figures contained in H.R. 6030.

I urge the Members to support the intelligence authorization programs for fiscal year 1983 and cast a favorable vote for H.R. 6068.●

● Mr. DICKINSON. Mr. Chairman, for my part as ranking member of the Armed Services Committee, I wish to join Chairman Price in his comments

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as they relate to the work of both committees in arriving at an agreeable solution to the differences which existed in the intelligence-related activities area for the Department of Defense when we commenced our work on H.R. 6068.

I trust the good working relationships between the committees will continue, particularly since never before in the history of this country have our intelligence efforts been so vital to our national defense.

Mr. Chairman, I urge my colleagues to support H.R. 6068 and vote for its passage today.

Mr. ROBINSON. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the bill by titles.

Mr. BOLAND. Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The text of the bill is as follows:

H.R. 6068

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1983".

TITLE I—INTELLIGENCE ACTIVITIES AUTHORIZATION OF APPROPRIATIONS

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1983 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

- (1) The Central Intelligence Agency.
- (2) The Intelligence Community Staff.
- (3) The Department of Defense.
- (4) The Defense Intelligence Agency.
- (5) The National Security Agency.
- (6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (7) The Department of State.
- (8) The Department of the Treasury.
- (9) The Department of Energy.
- (10) The Federal Bureau of Investigation.
- (11) The Drug Enforcement Administration.

CLASSIFIED SCHEDULE OF AUTHORIZATIONS

SEC. 102. The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1983 for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified schedule of authorizations prepared by the Permanent Select Committee on Intelligence to accompany H.R. 6068 of the Ninety-seventh Congress. That schedule of authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the schedule, or of appropriate portions of the schedule, within the executive branch.

CONGRESSIONAL NOTIFICATION OF EXPENDITURES IN EXCESS OF PROGRAM AUTHORIZATIONS

SEC. 103. During fiscal year 1983, funds may not be made available for any activity

for which funds are authorized to be appropriated by this Act unless such funds have been specifically authorized for such activity, or, in the case of funds appropriated for a different activity, unless the Director of Central Intelligence or the Secretary of Defense has notified the appropriate committees of Congress of the intent to make such funds available for such activity.

AUTHORIZATION OF APPROPRIATIONS FOR COUNTERTERRORISM ACTIVITIES OF THE FEDERAL BUREAU OF INVESTIGATION

SEC. 104. In addition to the amounts authorized to be appropriated under section 101(10), there is authorized to be appropriated for fiscal year 1983 the sum of \$12,125,000 for the conduct of the activities of the Federal Bureau of Investigation to counter terrorism in the United States.

TITLE II—INTELLIGENCE COMMUNITY STAFF

PERSONNEL

SEC. 201. (a) During fiscal year 1983, the personnel of the Intelligence Community Staff may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) During fiscal year 1983, the personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) During fiscal year 1983, any officer or employee of the United States or member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE AGENCY

SEC. 202. During fiscal year 1983, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a-403m) in the same manner as activities and personnel of the Central Intelligence Agency.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1983 the sum of \$91,300,000.

TITLE IV—SUPPLEMENTAL AUTHORIZATION FOR FISCAL YEAR 1982

AUTHORIZATION OF APPROPRIATIONS

SEC. 401. In addition to the funds authorized to be appropriated under title I of the Intelligence Authorization Act for fiscal year 1982 (Public Law 97-89; 95 Stat. 1150), funds are hereby authorized to be appropriated for fiscal year 1982 for the conduct of the intelligence and intelligence-related activities of the United States Government. The amounts authorized to be appropriated under the preceding sentence are those specified for that purpose in the classified schedule of authorizations described in section 102.

TITLE V—PROVISIONS RELATED TO THE DEFENSE INTELLIGENCE AGENCY

UNAUTHORIZED USE OF DEFENSE INTELLIGENCE AGENCY NAME, INITIALS, OR SEAL

SEC. 501. (a) Chapter 4 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 140c. Secretary of Defense: Use of Defense Intelligence Agency Name, Initials, or Seal

"(a) No person may, except with the written permission of the Secretary of Defense or his designee, knowingly use the words 'Defense Intelligence Agency', the initials 'DIA', the seal of the Defense Intelligence Agency, or any colorable imitation of such words, initials, or seal in connection with any merchandise, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Defense Intelligence Agency.

"(b) Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any persons or class of persons for whose protection the action is brought."

(b) The table of sections at the beginning of chapter 4 of title 10 is amended by adding at the end thereof the following new item:

"140c. Secretary of Defense: Use of Defense Intelligence Agency name, initials, or seal."

TITLE VI—PROVISIONS RELATED TO THE CENTRAL INTELLIGENCE AGENCY RETIREMENT AND SURVIVOR'S ANNUITY FOR FORMER SPOUSES

SEC. 601. The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a-m) is amended by adding at the end the following new section:

"Sec. 14. (a) Any qualified former spouse of an employee of the Agency, which employee is a participant in an Agency retirement system, is entitled to an annuity under such retirement system—

"(1) if married to the participant throughout the creditable service of the participant, equal to 50 per centum of the annuity of the participant; or

"(2) if not married to the participant throughout such creditable service, equal to that former spouse's pro rata share of 50 per centum of such annuity.

"(b) Any qualified former spouse of such employee of the Agency, which employee is a former participant in an Agency retirement system and is survived by such former spouse, is entitled to an annuity under such retirement system—

"(1) if married to the participant throughout the creditable service of the participant, equal to 55 per centum of the full amount of the participant's annuity; or

"(2) if not married to the participant throughout such creditable service, equal to that former spouse's pro rata share of 55 per centum of the full amount of such annuity.

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"(c) Notwithstanding subsections (a) and (b), benefits for qualified former spouses shall—

"(1) commence and terminate; and

"(2) be subject to limitation or modification because of spousal agreements, court orders, multiple spouses or former spouses, recall or reinstatement to service, or other circumstances.

in a manner comparable to the manner in which benefits for former spouses of participants are administered under the Foreign Service Act of 1980.

"(d) As used in this section the term—

"(1) 'Agency retirement system' means any Federal retirement and disability system available to employees of the Agency as employees of the Agency;

"(2) 'pro rata share' means a percentage which is equal to the percentage that (A) the number of years during which the former spouse was married to the participant during the creditable service of such participant is of (B) the total number of years of such creditable service; and

"(3) 'qualified former spouse' means a former wife or husband of a participant who (A) was married to such participant for not less than ten years during period of creditable Agency service by such participant, at least five years of which were spent overseas by both the participant and the former spouse, and (B) has not remarried before becoming sixty years of age.

"(e) The Director shall issue such regulations as are necessary to implement the provisions of this section.

"(f)(1) The provisions of this section regarding the rights of former spouses to any annuity under subsection (a) shall apply in the case of any individual who after the effective date of this section becomes a former spouse of an individual who separates from the Agency after such date.

"(2) Except to the extent that it is inconsistent with an election made which is comparable to an election under section 2109 of the Foreign Service Act of 1980, the provisions of this section regarding the rights of former spouses to receive survivor annuities under subsection (b) shall apply in the case of any individual who after the effective date of this section becomes a former spouse of a participant or former participant in any Agency retirement system."

Sec. 602. The provisions of and amendments made by section 601 shall take effect thirty days after the date of enactment of this Act.

TITLE VII—GENERAL PROVISIONS RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES

Sec. 701. The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activities which is not otherwise authorized by the Constitution or laws of the United States.

INCREASES IN EMPLOYEE BENEFITS AUTHORIZED BY LAW

Sec. 702. Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such benefits authorized by law.

EFFECTIVE DATE

Sec. 703. The provision of titles IV and V and by this title shall become effective upon the date of the enactment of this Act.

AMENDMENT OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Chairman, I offer an amendment to title III.

The Clerk read as follows:

Amendment offered by Mr. BOLAND: On page 5, after line 16, insert the following:

Sec. 302. Section 211 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, Public Law 88-643, 785 Stat. 1043, as amended, is amended by adding at the end thereof the following new subsection:

"(c) Amounts deducted and withheld from the basic salary of a participant under this section from the beginning of the first pay period after the participant has completed 35 years of service computed under sections 251 and 252 [excluding service credit for unused sick leave under section 221(h)], together with interest on these amounts at the rate of 3 percent a year compounded annually from the date of the deduction to the date of retirement or death, shall be applied toward any special contribution due under section 252(b) and any balance not so required shall be refunded in a lump sum to the participant after separation [or, in the event of a death in service, to a beneficiary in order of precedence specified in subsection 241(b)(1)], or the participant may use these sums to purchase an additional annuity in accordance with section 281."

Mr. BOLAND (during the reading).

Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BOLAND. Mr. Chairman, this amendment affects the Central Intelligence Retirement and Disability System, established by the Central Intelligence Agency Retirement Act of 1964 for Certain Employees. Essentially the act provides, that if a CIA employee, serves overseas for 5 years or more, he or she may opt into the system, called CIARDS. CIARDS permits earlier retirements than under the Civil Service—at age 50 with 20 years of service, or earlier if the participant has 25 years of service. Mandatory retirement for most participants is at age 60. Otherwise CIARDS closely resembles the Civil Service retirement and disability system.

Congruence between the two systems after 1976 was guaranteed by an amendment to the CIARDS statute that permitted the President, by Executive order, to conform CIARDS to any subsequent change in the Civil Service system. However, that authority did not apply retroactively and therein lies the reason for the amendment I offer today.

With regard to this amendment, it should be understood that currently under CIARDS, an employee must continue to make the mandatory retirement contribution from his salary even after he has reached the maximum obtainable benefit level. This, however, is not the case under the Foreign Service or the Civil Service retirement systems. Both of these systems permit the withdrawal of excess mandatory retirement deductions. The Foreign Service retirement system permits a direct refund of excess contributions; under the Civil Service retirement system, excess contributions are placed in a voluntary contribution account for the purchase of an addition-

al annuity or can be refunded from that account.

This amendment would bring CIARDS into line with the Civil Service and Foreign Service retirement systems. Specifically, it would give a CIARDS retiree the option of purchasing an additional annuity under the voluntary contributions provisions of CIARDS or applying for a refund of the excess contributions. Before either option could be exercised, however, the excess contributions would first be applied toward covering any period of service for which the retiree had made no contributions into the retirement fund or for which he had at one time received a refund. This latter proviso is also contained in both the Foreign Service and Civil Service retirement systems.

Mr. Chairman, this amendment simply conforms CIARDS to these other retirement systems in a way that the President by Executive order could not. It should result in no extra cost to the retirement fund actuarially speaking. It will affect very few employees.

Mr. Chairman, we have advised the Committee on Post Office and Civil Service of this amendment and have been told that it is consistent with other Federal retirement system policy. That committee has no objection to the amendment.

Mr. Chairman, I urge adoption of the amendment.

Mr. ROBINSON. Mr. Chairman, if the gentleman will yield, we consider this a perfecting amendment in every way and urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. BOLAND).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Chairman, I offer an amendment to title VI.

The Clerk read as follows:

Amendment offered by Mr. BOLAND: On page 9, strike lines 7-9 and insert in lieu thereof the following:

"(1) 'Agency retirement system' means—

"(A) the Central Intelligence Agency Retirement and Disability System established under the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended; and

"(B) the Civil Service Retirement and Disability System established under Subchapter III of Chapter 83 of Title 5, United States Code, in the case of an employee of the Agency who retires from the Agency on an immediate annuity under such system or who is not a participant in the system described in subparagraph (A) above and who dies while employed by the Agency;"

On page 9, strike lines 23-24 and insert in lieu thereof the following:

"(e) the Director (or in the case of an annuity under the Agency retirement and disability system described in subsection (d)(1)(B) of this section, the Director of the Office of Personnel Management in consultation with the Director of Central Intelligence) shall issue such regulations as are necessary to implement the provisions of this section."

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Mr. BOLAND. Mr. Chairman, section 601 of the bill would provide to certain ex-spouses of CIA employees, a pro rata share of their employee spouse's retirement annuity and a survivor's annuity. These benefits are to be comparable to those provided spouses of Foreign Service officers under the Foreign Service Act of 1980. They are to be provided pursuant to regulations written by the Director of Central Intelligence.

The great majority of those who will be affected by this legislation will be participants in the CIA's retirement and disability system, or CIARDS. Some few could be under the Civil Service retirement and disability system, however, since the CIARDS system is elective.

The purpose of this amendment is to permit the Director of the Office of Personnel Management to write the regulations for those few CIA employees, and their spouses participating in the Civil Service retirement and disability system, who will be affected by section 601. This amendment will have the result of retaining the jurisdiction of the Director of OPM over all Civil Service participants.

At the same time, the Director of OPM must consult with the Director of Central Intelligence in writing regulations under this section. This is to insure that the security of CIA personnel is properly protected.

The amendment also makes clear that section 601 applies to civil service participants and their spouses at CIA, only if—besides meeting the other requirements of the section—they actually retire from CIA or die while employed there. This is to avoid unnecessary complications in the administration of these benefits in the cases of those few individuals who will be under the civil service system.

Mr. Chairman, this amendment was suggested to the committee by OPM. It was developed in coordination with the CIA and is supported by the Agency. The committee brought it to the attention of the Committee on Post Office and Civil Service, which advised that it would be consistent with the overall management of the civil service system by OPM. The Committee on Post Office and Civil Service therefore has no objection to the amendment.

Mr. Chairman, I view this amendment as a perfecting amendment which should make the job of administering section 601 easier and more consistent with the personnel policies of both OPM and the CIA.

I urge its approval.

Mr. ROBINSON. Mr. Chairman, if the gentleman will yield, again, as stated by the chairman of the committee, this is a perfecting amendment to which there is no objection, and we urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. BOLAND).

The amendment was agreed to.

The CHAIRMAN. Are there any other amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mrs. SCHROEDER) having assumed the chair, Mr. BIAGGI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6068) to authorize appropriations for fiscal year 1983 for intelligence and intelligence-related activities of the U.S. Government, for the intelligence community staff, for the Central Intelligence Agency retirement and disability system, to authorize supplemental appropriations for fiscal year 1982 for the intelligence and intelligence-related activities of the U.S. Government, and for other purposes, pursuant to House Resolution 462, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. WEISS. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this question will be postponed. The vote will be taken tomorrow, Wednesday, May 19, 1982.

The point of no quorum made by the gentleman from New York (Mr. WEISS) is considered withdrawn.

GENERAL LEAVE

Mr. BOLAND. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., May 17, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in the Rules of the House of Representatives, I have the honor to transmit a sealed envelope from The White House, received in the Clerk's Office at 3:30 p.m. on Monday, May 17, 1982 and said to contain a message from the President wherein he transmits a proposed constitutional amendment to restore prayer in public schools and institutions.

With kind regards, I am,

Sincerely,

EDMUND L. HENSHAW, JR.,
Clerk, House of Representatives.

PROPOSED CONSTITUTIONAL
AMENDMENT ON SCHOOL
PRAYER—MESSAGE FROM THE
PRESIDENT OF THE UNITED
STATES (H. DOC. NO. 97-180)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on the Judiciary and ordered to be printed:

(For message, see proceedings of the Senate of Monday, May 17, 1982. page S5334.)

□ 1330

REPORT ON REVISIONS TO DEFERRALS IN ACCORDANCE
WITH IMPOUNDMENT CONTROL
ACT OF 1974—MESSAGE
FROM THE PRESIDENT OF THE
UNITED STATES (H. DOC. NO.
97-181)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

(For message, see proceedings of the Senate of today, May 18, 1982.)

COMMUNICATIONS FROM THE
CHAIRMAN OF COMMITTEE ON
VETERANS AFFAIRS

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Veterans' Affairs, which was read, and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., May 12, 1982.

Hon. THOMAS P. O'NEILL,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Section 5004 of Title 38, United States Code, requires that the Committee on Veterans' Affairs adopt a resolution approving major medical construction projects and leases of \$500,000 or more proposed by the Veterans Administration for each fiscal year. The House Committee

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on Veterans' Affairs met on May 11th and authorized the construction of various projects in fiscal year 1983. There were no leases authorized by the Committee for fiscal year 1983.

A copy of the Resolution adopted by the Committee and a listing of the projects authorized are attached.

Sincerely,

G. V. (SONNY) MONTGOMERY,
Chairman.

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore laid before the House the following resignation as a member of a committee:

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 11, 1982.

Hon. THOMAS P. O'NEILL,
Speaker of the House, The Capitol, Washington, D.C.

DEAR MR. SPEAKER: As a result of recent confirmation by the Steering and Policy Committee and the Democratic Caucus, I have been elected as a member of the Committee on the Judiciary in the House.

I therefore respectfully request that the leadership accept my resignation as a member of the Committee on Small Business, effective immediately.

I look forward to the challenges of my new Committee assignment, and to working with you on matters before this Committee and before the House.

Sincerely,

GEO. W. CROCKETT, JR.,
Member of Congress.

AMELIA EARHART DAY

Mr. HOYER. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 412) to authorize and request the President to designate May 20, 1982, as "Amelia Earhart Day", and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. JEFFRIES. Madam Speaker, reserving the right to object, I want to take this opportunity to thank the chairman of the Subcommittee on Census and Population, Mr. GARCIA, for bringing this resolution to the floor in such a timely manner. I also want to thank my fellow colleagues who have joined me in honoring this great aviatrix, Amelia Earhart, on the 50th anniversary of her solo flight across the Atlantic Ocean.

Amelia Earhart, who hailed from my hometown of Atchison, set a number of aerial records between 1928 and 1935. As a pioneer in the field of aviation, she was an inspiration to all. She believed in the continuing ability of men and women to surpass previous accomplishments, and she risked her life, time after time, to prove this. Her daring flights touched the lives of millions of Americans and others the world over. It is appropriate that this

brave woman be given special recognition.

I would like to urge my colleagues here and in the other body to move expeditiously in support of this resolution. Owing to the fact that some 3 days of ceremonies have been scheduled around May 20, with people from all over the country attending, it is necessary that quick action be taken.

Madam Speaker, I withdraw my reservation of objection.

(Mr. JEFFRIES asked and was given permission to revise and extend his remarks.)

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. DERWINSKI. Madam Speaker, reserving the right to object, I do this merely to commend the gentleman from Maryland for taking the awesome responsibility of bringing these important measures to the floor, and I congratulate all the Members who have shown their legitimate interest in history and civics and governmental responsibility of the various resolutions.

Mr. HOYER. I appreciate the generous remarks of the gentleman.

Mr. DERWINSKI. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 412

Whereas Amelia Earhart was the first woman to fly across the Atlantic Ocean as a passenger;

Whereas Amelia Earhart set a number of altitude and speed records in various airplanes and autogiros, forerunners of the helicopter;

Whereas Amelia Earhart was widely hailed as an aviator and an inspiring example to all;

Whereas Amelia Earhart worked for the promotion of sound aeronautics and was a strong influence in breaking down resistance to aviation.

Whereas Amelia Earhart was the first woman in American history to be awarded the Distinguished Flying Cross;

Whereas Amelia Earhart was the first woman to fly solo across the Atlantic Ocean on May 20-21, 1932; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to designate May 20, 1982, as "Amelia Earhart Day", as a tribute to that most daring of the pioneer women aviators, and to call upon Federal, State, and local government agencies and the people of the United States to observe such day with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL NAVAHO CODE TALKERS DAY

Mr. HOYER. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 444) to authorize and request the President to designate August 14, 1982, as "National Navaho Code Talkers Day" and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. RUDD. Madam Speaker, reserving the right to object, I would like to take this opportunity to thank Chairman FORD and Chairman GARCIA as well as Mr. DERWINSKI and Mr. COURTER for their cooperation and leadership in bringing this measure to designate August 14, 1982, as "National Navaho Code Talkers Day" to the floor. The more than 240 House Members who have cosponsored the measure demonstrate the tremendous support which has been generated to honor the Navaho Code Talkers whose contribution to our victory in the Pacific, ending World War II, has gone too long unheralded. August 14 is the 37th anniversary of the surrender of the Japanese in World War II, and I believe that it is fitting that this year we set aside that day to honor this group of unsung heroes.

If you have not heard of the Navaho Code Talkers, do not be embarrassed, since their work required absolute secrecy; they never enjoyed the national acclaim they so richly deserve. And yet, this group of 400 dedicated marines played a vital role in the invasions of Guadalcanal and Iwo Jima without which, many of their comrades believe the islands would never have been won.

After the invasion of Pearl Harbor our naval fleet was crippled and attempts to gain a foothold in the Pacific were repeatedly frustrated by Japanese cryptologists, who were able to decipher our combat codes with amazing speed. The idea of using the Navajo language as the basis for a code came from a man named Philip Johnston, who had grown up on a Navajo reservation. In early 1942, the Marine Corps accepted Mr. Johnston's idea after a successful demonstration of the complex verb forms and tonal characteristics of Navajo speech. When the Marines went recruiting for this special mission, 29 young Navajo men volunteered. These first Navajo Code Talkers, known thereafter as the Famous 29, received regular boot camp training and were thoroughly briefed on the special function they were to have. Then, the Famous 29 sat down and constructed the code, substituting Navajo words for the 211 most frequently used words in military lexicon. "Submarine" was translated into the

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I, with them, Mr. Speaker, find offensive, as I believe responsible Republicans find offensive, the television ads that are being run belittling the Speaker of the House, Mr. O'NEILL, and former President Carter at a time when the Republican Party may very well lose those gains we have worked so hard to get over so many years.

Mr. Speaker, it is belittling to have that type of trash appear as representative of Republican thinking. What the New York Times did not say was that the Democrat Party could very well run pictures of Herbert Hoover voiced over with the words of Republican Ronald Reagan which would more than even the score for what the Republican Party is insensitively doing. I respectfully suggest that those items be taken off the air, and the issues be discussed with the American people.

The New York Times concludes, "Is it really smart for the Republicans to hire an actor to pretend to be President? People who live in White Houses"—and then some dashes.

I thank the Speaker.

EXPORT TRADING COMPANIES

(Mr. McGRATH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McGRATH. Mr. Speaker, in the past two decades, America has consistently been losing its share of the world market to our trading partners. Not only have our exports lagged far behind our potential, imports have been capturing a significant share of the domestic U.S. market.

We have a vast, untapped reservoir of potential exporters in the United States. Over 80 percent of current exports are made by only 1 percent of U.S. firms. However tens of thousands of smaller firms produce goods and services that would be competitive in the world market but currently do not export due to a lack of knowledge or resources.

There is a solution to this problem, and that is the enactment of legislation to encourage formation of export trading companies. Our trading partners have used the export trading company concept to great advantage, and it is time we gave American businesses the same advantages.

The Commerce Department has indicated that as many as 25,000 U.S. firms would take advantage of export trading companies to market their goods and services. Such development means jobs—between 15,000 and 20,000 in New York alone—and increased job creation means a more robust economy for everyone.

I urge my colleagues to join me in giving strong support to this vital legislation.

FAIR TREATMENT FOR FEDERAL EMPLOYEES AND RETIREES

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, as the Representative of a large constituency of active and retired Federal workers, I am particularly concerned over such issues as cost-of-living adjustments and Federal pay raise compensation. I would point out though that there are 2.7 million Federal employees, of which only 208,000 are located in the Nation's Capital. There are 1.28 million civil service retirees and 1.32 million military retirees and of these 2.6 million COLA recipients, only 100,000 are located in the Washington metro area. These retirees are located nationwide, and I urge my colleagues to review portions of the proposed budget resolutions and realize the national importance of allowing the consideration of my amendments.

Mr. Speaker, for far too long editorial writers and politicians have criticized Federal employees. I would just like to tell the Members of this House that the Navy captain who goes out to sea for 6 months is a Federal employee. The FBI agent who works on a kidnapping case is a Federal employee. The drug enforcement agent who goes out and tries to keep drugs from coming into our schools is a Federal employee. The man or woman out at NIH working on a cancer cure is a Federal employee. The Secret Service agent who stopped the bullet that would have killed the President is a Federal employee.

So as we consider these matters and these budget resolutions, I hope we will remember these things.

BIPARTISAN BUDGET FOR ECONOMIC RECOVERY

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, today we will have a series of press conferences at which a bipartisan budget designed for economic recovery will be announced. Without stealing any thunder from that press conference, I think it is important for this House to know it will be given a real choice, a choice between less taxes and more taxes, a choice between less domestic spending and more domestic spending, a choice between a stronger defense and a weaker defense.

I think there is room for every moderate and conservative Democrat to joint with every Republican in passing a budget which will lay the base for economic recovery.

(Mr. CLAUSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

(Mr. CLAUSEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

BUDGET AMENDMENT TO DELETE FUNDS FOR FURTHER TESTING, PRODUCTION, AND DEPLOYMENT OF NUCLEAR WEAPONS

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, I am proposing an amendment to the first budget resolution for fiscal year 1983 to delete funds from function 050 for the further testing, production, and deployment of nuclear weapons and of missiles and new aircraft designed primarily to deliver nuclear weapons. My amendment would implement the nuclear freeze resolution (H.J. Res. 343) now cosponsored by 70 Members of the House. I hope that those who are participating in the bipartisan effort on the budget will support this amendment.

My amendment would delete \$20.9 billion in budget authority and \$8.4 billion in outlays from functional category 050 and reduce the Federal deficit by the same amount. Specifically, the amendment would delete funds and cancel the MX missile, the B-1 bomber, the Trident submarine and missile, the Air, Sea, and ground-launched cruise missiles, and the Pershing II missile programs. In addition, it would cut funds for weapons research, development, materials production, and waste management within the atomic energy defense activities portion of the defense function.

This amendment translates into budgetary policy the nuclear freeze resolution. It also reflects the call to halt the nuclear arms race, the basic document of the national citizens' movement for a nuclear freeze.

In light of the extraordinary national and international support for a nuclear freeze, I urge this body to distinguish itself in the eyes of our countrymen who pray for world peace and an end to the nuclear arms race.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1983

The SPEAKER pro tempore (Mr. MOAKLEY). Pursuant to the provisions of clause 5, rule I, the unfinished business is on the question de novo of the passage of the bill, H.R. 6068, on which further proceedings were postponed on Tuesday, May 18, 1982.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WEISS. Mr. Speaker, I object to the vote on the ground that a quorum

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is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 357, nays 23, answered "present" 1, not voting 51, as follows:

[Roll No. 79]

YEAS—357

Addabbo	Dwyer	Jeffries
Akaka	Dyson	Jenkins
Albosta	Early	Johnston
Alexander	Eckart	Jones (NC)
Anderson	Edwards (AL)	Jones (OK)
Andrews	Edwards (CA)	Jones (TN)
Annunzio	Edwards (OK)	Kastenmeier
Anthony	Emerson	Kazen
Applegate	Emery	Kemp
Archer	English	Kennelly
Aspin	Erlenborn	Kildee
Bailey (MO)	Evans (DE)	Kindness
Bailey (PA)	Evans (GA)	Kogovsek
Barnard	Evans (IA)	Kramer
Barnes	Evans (IN)	LaFalce
Beard	Fary	Lagomarsino
Bedell	Fascell	Lantos
Beilenson	Fazio	Latta
Benjamin	Fenwick	Leach
Bennett	Ferraro	Leath
Bereuter	Fiedler	LeBoutillier
Bethune	Fields	Lee
Bevill	Findley	Lehman
Biaggi	Fish	Levitas
Bingham	Fithian	Lewis
Bianchard	Flippo	Livingston
Billey	Florio	Loeffler
Boland	Foley	Long (LA)
Bolling	Ford (MI)	Long (MD)
Boner	Ford (TN)	Lott
Bonior	Forsythe	Lowery (CA)
Bonker	Fountain	Lujan
Bouquard	Fowler	Lukens
Breaux	Frank	Lungren
Brinkley	Frenzel	Madigan
Brodhead	Frost	Markey
Brooks	Fuqua	Marks
Broomfield	Gedjenson	Marlenee
Brown (CA)	Gephardt	Marriott
Brown (CO)	Gibbons	Martin (IL)
Broyhill	Gilman	Martin (NY)
Butler	Gingrich	Matsui
Byron	Glickman	Mavroules
Campbell	Goodling	Mazzoli
Carman	Gore	McClory
Carney	Gradison	McCloskey
Chappell	Gramm	McCollum
Chappie	Green	McDade
Cheney	Gregg	McDonald
Clausen	Guarini	McEwen
Clinger	Gunderson	McGrath
Coats	Hagedorn	McHugh
Coelho	Hall (OH)	McKinney
Coleman	Hall, Ralph	Mica
Collins (IL)	Hall, Sam	Michel
Collins (TX)	Hamilton	Mikulski
Conable	Hammerschmidt	Miller (OH)
Conte	Hance	Mineta
Corcoran	Hansen (ID)	Minish
Coughlin	Harkin	Mitchell (NY)
Coyne, James	Hartnett	Moakley
Coyne, William	Hatcher	Mollinari
Craig	Heckler	Mollohan
Crane, Daniel	Hefner	Montgomery
D'Amours	Heftel	Moore
Daniel, Dan	Hendon	Moorhead
Daniel, R. W.	Hertel	Morrison
Daschle	Hightower	Mottl
Daub	Hiler	Murphy
de la Garza	Hillis	Myers
Deckard	Holland	Napier
DeNardis	Hollenbeck	Natcher
Derwinski	Holt	Neal
Dickinson	Hopkins	Nelligan
Dicks	Horton	Nelson
Dingell	Howard	Nichols
Donnelly	Hoyer	Nowak
Dorgan	Hughes	O'Brien
Dornan	Hunter	Oakar
Dowdy	Hutto	Oberstar
Downey	Hyde	Obey
Duncan	Ireland	Oxley
Dunn	Jeffords	Panetta

Parris	Rudd	Stump
Pashayan	Russo	Synar
Patman	Sabo	Taylor
Patterson	Santini	Traxler
Pease	Sawyer	Udall
Pepper	Scheuer	Vander Jagt
Perkins	Schneider	Vento
Petri	Schulze	Volkmmer
Peyster	Schumer	Walgren
Pickle	Sensenbrenner	Walker
Porter	Shamansky	Wampler
Price	Shannon	Watkins
Pritchard	Sharp	Waxman
Pursell	Shaw	Weber (MN)
Quillen	Shelby	Weber (OH)
Rahall	Shumway	White
Railsback	Shuster	Whitehurst
Ratchford	Siljander	Whitley
Regula	Simon	Whittaker
Reuss	Skeen	Whitten
Rhodes	Smith (AL)	Williams (MT)
Rinaldo	Smith (IA)	Williams (OH)
Ritter	Smith (NE)	Wilson
Roberts (KS)	Smith (NJ)	Winn
Roberts (SD)	Smith (OR)	Wolf
Robinson	Snowe	Wolpe
Roe	Snyder	Wortley
Roemer	Solarz	Wright
Rogers	Solomon	Wyden
Rose	Spence	Wyllie
Rosenthal	St Germain	Yates
Rostenkowski	Stangeland	Yatron
Roth	Staton	Young (AK)
Roukema	Stenholm	Young (FL)
Roussetot	Stratton	Young (MO)
Roybal	Studds	Zablocki

NAYS—23

Burton, Phillip	Garcia	Rodino
Chisholm	Gonzalez	Schroeder
Clay	Lowry (WA)	Seiberling
Conyers	Miller (CA)	Stark
Crockett	Mitchell (MD)	Stokes
Dellums	Ottlinger	Washington
Dymally	Paul	Weiss
Edgar	Rangel	

ANSWERED "PRESENT"—1

Hawkins

NOT VOTING—51

Atkinson	Dreier	Mattox
AuCoin	Erdahl	McCurdy
Badham	Ertel	Moffett
Bafalis	Foglietta	Murtha
Benedict	Gaydos	Richmond
Boggs	Ginn	Savage
Bowen	Goldwater	Skelton
Brown (OH)	Gray	Smith (PA)
Burgener	Grisham	Stanton
Burton, John	Hansen (UT)	Swift
Courter	Hubbard	Tauke
Crane, Philip	Huckaby	Tauzin
Dannemeyer	Jacobs	Thomas
Davis	Leland	Trible
Derrick	Lent	Weaver
Dixon	Lundine	Wirth
Dougherty	Martin (NC)	Zerfetti

□ 1200

The Clerk announced the following pairs:

On this vote:

Mr. Zeferetti for, with Mr. Leland against.
Mrs. Boggs for, with Mr. Richmond against.

Mr. McCurdy for, with Mr. Gray against.

Mr. STOKES and Mr. RODINO changed their votes from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR SUBCOMMITTEE ON MERCHANT MARINE OF COMMITTEE ON MERCHANT MARINE AND FISHERIES TO SIT DURING 5-MINUTE RULE ON TODAY

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that the Subcommittee on Merchant Marine of the Committee on Merchant Marine and Fisheries be permitted to sit today during the 5-minute rule for the purpose of holding a hearing on H.R. 4828, a bill to set aside certain surplus vessels for use in the provision of health and other humanitarian services to developing countries.

The ranking minority member of the subcommittee, the gentleman from California (Mr. McCloskey), has been apprised of the hearing times. He is in accord with this request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

□ 1215

Mr. WALKER. Mr. Speaker, reserving the right to object, do I understand the gentleman from New York (Mr. Biaggi) to say that this has been cleared with the gentleman from California (Mr. McCloskey) on the minority side?

Mr. BIAGGI. Mr. Speaker, if the gentleman will yield; yes, it has.

Mr. WALKER. Further reserving the right to object, Mr. Speaker, with no doubt about the gentleman from New York's desire to be wholly accurate, I ran into a problem here last week when I had understood that there was such a clearance. I was told later that it had not been cleared with that Member.

May I ask the gentleman, has this been cleared directly with the Member or with some member of his staff?

Mr. BIAGGI. Mr. Speaker, I am advised by my staff that the Member has given permission. I would assume that my staff has been talking with the Member's staff, but I had assumed the same situation existed last week when I made the previous request. When I responded to the gentleman from Pennsylvania, I responded to the best of my ability and as honestly as I could, given the usual procedure.

Mr. WALKER. Mr. Speaker, reserving the right to object, I understand that, and I certainly know that the gentleman would not have responded in such a way if he had known otherwise. But the question here is, if the staff communication broke down previously, whether or not we have the same problem accruing here today on the floor.

That is my problem, and let me ask the gentleman this: Is S. 2535 a part of this request?

Mr. BIAGGI. No, it is not. It is just on H.R. 4828, and it is just a hearing dealing with surplus vessels that we can provide for humanitarian services in developing countries. It is purely a